

REMARKS/ARGUMENTS

Claims 1-15 and 18-22 are pending in the present application. Of these, claims 1-7 and 9-13 are allowed and claims 8 and 14 are indicated to recite allowable subject matter. By this Amendment, claims 8, 14, 15, 20 and 22 are amended and claims 16, 17 and 23 are canceled without prejudice to or disclaimer of the subject matter contained therein. No new matter has been added.

Claims 8 and 14 are amended as suggested by the Examiner. Claims 15, 20 and 22 are amended to clearly recite the subject matter as disclosed in the specification, and as noted by the Examiner. Claim 15 is also amended to include the subject matter of canceled claims 16 and 17.

Amendments to claims 8, 14, 15, 20 and 22 do not raise new issues or require further consideration, as they are amendments that the Examiner noted as desirable, and the Examiner has previously considered the subject matter therein. Thus, entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

For the following reasons, reconsideration is respectfully requested.

I. REPLY TO REJECTIONS

A. Double Patenting

On page 2, item 3 of the Office Action, claims 15, 16 and 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 9 and 15-17 of copending Application No. 10/950,665. Claim 15 is amended to include at least the features of claim 17, which is not included in this rejection. Claim 16 is canceled. Withdrawal of the rejection of claims 15, 16 and 21 is respectfully requested.

B. 35 U.S.C. § 112

1. Enablement

On page 3, item 4 of the Office Action, claims 15-23 are rejected under 35 U.S.C. § 112, first paragraph as allegedly based on disclosure that is not enabled. Claim 15 is amended to include the features noted by the Examiner. Withdrawal of the rejection is respectfully requested.

2. Written Description

On page 4, item 5 of the Office Action, claims 15-23 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 15, 20 and 22 are amended as noted by the Examiner. Withdrawal of the rejection is respectfully requested.

B. 35 U.S.C. § 112, second paragraph

On page 5, item 6 of the Office Action, claims 8 and 14 are rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. Claims 8 and 14 are amended to obviate the rejection by replacing a black matrix with “a light shielding layer” as suggested by the Examiner. Withdrawal of the rejection is respectfully requested.

C. 35 U.S.C. § 102

On page 6, item 7 of the Office Action, claims 15, 16, 19 and 21 are rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,156,433 to Hatori et al. (hereinafter “Hatori”). The rejection is respectfully traversed.

The rejection of canceled claim 16 is moot. Claim 15 is amended to include the features of claim 17, and now recites a plasma display panel fabricating method, comprising forming at least one black matrix using the black material of the prefabricated layer, wherein the black matrix is formed by exposing the prefabricated layer through the second mask on the rear surface of the substrate, and other features. Consequently, claim 15 is patentable over the applied reference to Hatori. Claims 19 and 21, which depend from claim 15, are also patentable over the applied reference for at least the reasons discussed above and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

III. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Seth S. Kim, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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